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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,475	04/13/2001	Paul L. Mullen	GEMS8081.070	7317
27061	7590	11/18/2003	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (GEMS) 14135 NORTH CEDARBURG ROAD MEQUON, WI 53097			JAKETIC, BRYAN J	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,475

Applicant(s)

MULLEN ET AL.

Examiner

Bryan Jaketic

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 14 is objected to because of the following informalities: "an 'services' tab" in line 2 of the claim should be --a 'services' tab--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 7, 8, 17, 18, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Conway. Conway discloses a system and method for remotely managing a medical institution comprising the steps of remotely collecting condition data representative of a device status, including device diagnostic data, device reminder data, billing information, and device location data (see col. 8, line 50 through col. 9, line 39); storing the condition data on a database (32) at a centralized facility; reviewing the condition data (see col. 8, line 50 through col. 9, line 39); and displaying it on a graphical user interface (34). Conway teaches that the GUI displays the time of the next scheduled maintenance (see col. 9, lines 24-33). It is therefore inherent that the GUI alerts the user to devices requiring immediate attention and of devices requiring routine attention.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2, 5, 6, 9, 10, 13-16, 19-23, and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway. Conway teaches all of the limitations as detailed in paragraph 3 of this Office Action. Conway does not teach the step of updating the GUI upon user accessing or refreshing the GUI. However, it is common in the art to update a GUI when a user refreshes or accesses the GUI. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of updating the GUI when a user refreshes or accesses the GUI to allow a user to retrieve current information.

Conway also fails to teach the step of displaying general remarks and news updates regarding the device. However, these differences are only found in the nonfunctional descriptive material and do not alter how information is displayed. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to display news updates because the type of information being displayed does not patentably distinguish the claimed invention.

Conway does not teach the use of the Internet. However, the Internet is common in the art, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the Internet to allow wider access to the information. Conway does not teach the use of host navigational tabs. However, navigational tabs are common in the art, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ navigational tabs to help the user locate information. Furthermore, the names of the tabs constitutes nonfunctional descriptive material and do not alter how information is transferred or displayed. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

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made to provide relevant titles for tabs because the titles of tabs do not patentably distinguish the claimed invention.

Conway does not teach the use of a LAN, a WAN, a telephone system, a cable communication system, and a wireless system. However, these systems are common in the art, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a LAN, a WAN, a telephone system, a cable communication system, and a wireless system to allow wider access to the system.

Conway teaches the step of consolidating automatically generated data (such as location data - see col. 9, lines 5-9) and manually generated data (such as maintenance history data - see col. 9, lines 16-23). Conway does not teach that marketing data, customer-entered data, and messages are consolidated. However, these differences are only found in the nonfunctional descriptive material and do not alter how the information is consolidated. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to consolidate marketing data, customer-entered data, and messages because the type of information being consolidated does not patentably distinguish the claimed invention.

7. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway as applied to claims 9 and 17 above, and further in view of Gidwani.

Conway discloses all of the limitations as detailed in paragraphs 3 and 6 of this Office

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Action. Conway does not teach the step of tailoring the display for a particular user. Gidwani teaches the step of tailoring a display for a particular customer (see col. 48, lines 53-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Gidwani to tailor all aspects of the display of Conway to meet each customer's individual needs.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pasquali discloses customized user displays. Linberg, Pappas, DeBusk et al, Fuchs et al, and Honda disclose instrument tracking systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Jaketic whose telephone number is (703) 308-0134. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703)308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

bj



11/13/03